

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Sue FENG et al.	)	Group Art Unit: 1619
	)	
Application No.: 10/699,780	)	Examiner: VENKAT, J.
	)	
Date Filed: November 4, 2003	)	Confirmation No.: 5902
	)	
For: METHODS OF PROVIDING	)	
INTENSE COLOR TO COSMETIC	)	
COMPOSITIONS USING AT LEAST	)	
ONE HETEROPOLYMER (AS	)	
AMENDED)	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER**

Assignee, L'Oréal, S.A., duly organized under the laws of France and having its principal place of business at 14 Rue Royale, 75008 Paris, France, through its attorneys, represents that it is the assignee of the entire right, title, and interest in and to the above-identified application, Application No. 10/699,780, filed November 4, 2003, for METHODS OF PROVIDING INTENSE COLOR TO COSMETIC COMPOSITIONS USING AT LEAST ONE HETEROPOLYMER (AS AMENDED), in the names of Sue Feng and Mohamed G. Kanji, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 012411, Frame 0820, on December 28, 2001, in the parent case, U.S. Application No. 09/971,028, which issued as U.S. Patent No. 6,716,420 on April 6, 2004.

Assignee further represents that it is and at all times has been the assignee of the entire right, title, and interest in and to the following U.S. patents:

U.S. Patent No. 6,716,420, filed October 5, 2001, in the names of Sue Feng and Mohamed G. Kanji, for METHODS OF USE AND OF MAKING A MASCARA COMPRISING AT LEAST ONE COLORING AGENT AND AT LEAST ONE HETEROPOLYMER, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 012411, Frame 0820, on December 28, 2001.

U.S. Patent No. 7,008,619, filed April 15, 2003, in the names of Sue Feng and Mohamed Kanji, for METHODS OF USE AND OF MAKING A MASCARA COMPRISING AT LEAST ONE COLORING AGENT AND AT LEAST ONE POLYAMIDE POLYMER CHOSEN FROM THE ETHYLENEDIAMINE/STEARYL DIMER TALLATE COPOLYMER, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 012411, Frame 0820, on December 28, 2001, in the parent case, U.S. Application No. 09/971,028, which was filed on October 5, 2001, and which issued as U.S. Patent No. 6,716,420 on April 6, 2004.

U.S. Patent No. 6,402,408, filed July 17, 2000, in the name of Véronique Ferrari, for COMPOSITION CONTAINING A LIQUID FATTY PHASE GELLED WITH A POLYAMIDE CONTAINING ESTER END GROUPS, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 011057, Frame 0007, on September 12, 2000.

U.S. Patent No. 6,835,399, filed December 11, 2001, in the name of Nathalie Collin, for COSMETIC COMPOSITION COMPRISING A POLYMER BLEND, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 013142, Frame 0645, on August 1, 2002.

U.S. Patent No. 6,869,594, filed January 24, 2001 as PCT/FR01/00229, in the name of Véronique Ferrari, for TRANSFER-FREE MASCARA COMPOSITION COMPRISING AT LEAST ONE VOLATILE SOLVENT AND AT LEAST ONE POLYMER, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 012476, Frame 0507, on January 17, 2002.

U.S. Patent No. 6,881,400, filed December 11, 2001, in the name of Nathalie Collin, for USE OF AT LEAST ONE POLYAMIDE POLYMER IN A MASCARA COMPOSITION FOR INCREASING THE ADHESION OF AND/OR EXPRESSLY LOADING MAKE-UP DEPOSITED ON EYELASHES, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 012847, Frame 0285, on April 30, 2002.

U.S. Patent No. 6,960,339, filed July 17, 2000, in the name of Véronique Ferrari, for COMPOSITIONS STRUCTURED WITH AT LEAST ONE POLYMER AND METHODS OF USING THE SAME, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 011057, Frame 0676, on September 11, 2000.

U.S. Patent No. 6,979,469, filed December 12, 2001 as PCT/IB01/02833, in the names of Véronique Ferrari, Richard Kolodziej, Carlos O. Pinzon, and Paul Thau, for USE OF POLYAMIDE POLYMER IN A MASCARA COMPOSITION COMPRISING AT

LEAST ONE INERT FILLER, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 014055, Frame 0428, on March 24, 2003.

U.S. Patent No. 7,008,629, filed July 22, 2002, in the name of Mohamed Kanji, for COMPOSITIONS COMPRISING AT LEAST ONE HETEROPOLYMER AND FIBERS, AND METHODS OF USING THE SAME, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 013410, Frame 0044, on October 21, 2002.

U.S. Patent No. 7,011,823, filed February 27, 2004, in the names of Véronique Ferrari, Richard Kolodziej, Carlos O. Pinzon, and Paul Thau, for USE OF POLYAMIDE POLYMER IN A MASCARA COMPOSITION COMPRISING AT LEAST ONE INERT FILLER, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 014055, Frame 0428, on March 24, 2003, in the parent case, U.S. Application No. 10/203,018, which issued as U.S. Patent No. 6,979,469 on December 27, 2005.

U.S. Patent No. 7,144,582, filed October 11, 2000, in the names of Véronique Ferrari and Pascal Simon, for COMPOSITIONS STRUCTURED WITH AT LEAST ONE POLYMER AND METHODS OF USING THE SAME, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 011455, Frame 0203, on January 22, 2001.

U.S. Patent No. 6,432,391, filed July 9, 2001, in the name of Isabelle Bara, for TRANSPARENT SCENTED SOLID COSMETIC COMPOSITION, as indicated by the

assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 012278, Frame 0077, on October 23, 2001.

U.S. Patent No. 7,025,953, filed January 16, 2002, in the names of Xavier Blin, Véronique Ferrari, and Frédéric Auguste, for NAIL POLISH COMPOSITION COMPRISING A POLYMER, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 013109, Frame 0731, on July 18, 2002.

U.S. Patent No. 7,052,681, filed January 17, 2002, in the name of Véronique Ferrari, for COSMETIC COMPOSITION CONTAINING A POLYMER AND A FLUORO OIL, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 012910, Frame 0028, on July 17, 2002.

U.S. Patent No. 7,023,552, filed on August 9, 2002, in the names of Jean-Christophe Simon and Nathalie Jager-Lezer, for PROCESS FOR MAKING A COLORED MAKE-UP COSMETIC COMPOSITION WITH CONTROLLED TRANSMITTANCE, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 013321, Frame 0001, on August 9, 2002.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent Nos., which are listed above. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during

such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent Nos. 6,716,420, 7,008,619, 6,402,408, 6,835,399, 6,869,594, 6,881,400, 6,960,339, 6,979,469, 7,008,629, 7,011,823, 7,144,582, 6,432,391, 7,025,953, 7,052,681, and 7,023,552, as presently shortened by any terminal disclaimer, in the event that any of these patents later expire for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated before the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule in 37 C.F.R. § 1.20(d), the required fee of \$140.00 is being filed with this disclaimer.


If the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: May 20, 2009

By:   
Lori Ann Johnson  
Reg. No. 34,498